

SIKKIM



GOVERNMENT

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Thursday 23rd February, 2023

No. 95

HIGH COURT OF SIKKIM
GANGTOK

No. 28/Judl./HCS

Date: 19.12.2022

NOTIFICATION

In terms of order dated 1st November 2022 passed by the Hon'ble Supreme Court of India in **Contempt Petition (Civil) No. 555 of 2022 in Special Leave Petition (Crl.) No. 5073 of 2011 (Eega Soumya v. M. Mahender Reddy & Ors.)** and in exercise of powers conferred by Article 227 of the Constitution, Section 477 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and all the other enabling powers, the High Court of Sikkim makes the following rules to amend the Sikkim Criminal Rules of Practice, 2021.

Short title and commencement:

1. (a) This Rule may be called the Sikkim Criminal Rules of Practice (Amendment) Rules, 2022.
- (b) They shall come into force with immediate effect.

Insertion of Rule 6A to 6E:

2. After Rule 6 of the Sikkim Criminal Rules of Practice, 2021, the following Rules 6A to 6E be inserted:

“6A. Upon receipt of information relating to the commission of offence of rape, the Investigating Officer shall take immediate steps to take the victim to any Magistrate for the purpose of recording her statement under Section 164 of the Code. A copy of the statement under Section 164 of the Code should be handed over to the Investigating Officer immediately with a specific direction that the contents of such statement under Section 164 of the Code should not be disclosed to any person till charge-sheet/report under Section 173 of the Code is filed.

6B. The Investigating Officer shall as far as possible/practicable take the victim to the nearest lady Magistrate.

6C. The Investigating Officer shall record specifically the date and the time at which he/she learnt about the commission of the

offence of rape and the date and time at which he/she took the victim to the lady Magistrate as aforesaid.

- 6D.** If there is any delay exceeding 24 hours in taking the victim to the Magistrate, the Investigating Officer should record the reasons for the same in the case diary and hand over a copy of the same to the Magistrate.
- 6E.** A copy of the victim's medical examination report conducted under Section 164 – A of the Code should be immediately handed over by the Investigating Officer to the Magistrate who records the statement of the victim under Section 164 of the Code.”

By Order.

**K. W. BHUTIA
REGISTRAR GENERAL**